

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAKEITH L. MCCOY,

Plaintiff,

v.

LISA GREEN, et al.,

Defendants.

Case No.: 1:25-cv-00238-KES-CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
CERTAIN CLAIMS AND DEFENDANTS

Doc. 11

Plaintiff LaKeith L. McCoy, proceeding pro se and in forma pauperis, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 18, 2025, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's action proceed on his § 1983 claim for malicious prosecution against correctional officer defendants King, Holguin, Casillas, A. Martinez, C. Martinez, Gonzales, and Garcia. Doc. 11 at 5–10.¹ The magistrate judge recommended that all other claims raised and defendants named in the complaint be dismissed. *Id.* at 10. The findings and

¹ The magistrate judge issued initial findings and recommendations on June 23, 2025 recommending dismissal of plaintiff's action for failure to state a claim, failure to prosecute, and failure to obey court orders. Doc. 8. Based on plaintiff's subsequent objections representing his issues receiving mail, Doc. 10, the magistrate judge vacated the June 23 findings and recommendations. Doc. 11.

1 recommendations were served on plaintiff and contained notice that any objections thereto were
2 to be filed within fourteen days of service. *Id.* at 11. Plaintiff has not filed any objections and the
3 time to do so has passed.

4 In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of
5 this case. After carefully reviewing the file, the Court finds that the findings and
6 recommendations are supported by the record and proper analysis.

7 Accordingly:

- 8 1. The findings and recommendations issued on July 18, 2025, Doc. 11, are
9 ADOPTED in full;
- 10 2. This action PROCEEDS only as to plaintiff's malicious prosecution claim against
11 correctional officer defendants King, Holguin, Casillas, A. Martinez, C. Martinez,
12 Gonzales, and Garcia;
- 13 3. Any remaining defendants and claims in plaintiff's complaint are DISMISSED;
14 and
- 15 4. The matter is referred to the assigned magistrate judge for further proceedings.

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17 IT IS SO ORDERED.

18 Dated: August 24, 2025

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UNITED STATES DISTRICT JUDGE